

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

BARRY GIBBS

Plaintiff,

v.

**THE CITY OF NEW YORK, LOUIS
EPPOLITO, SR., JAMES FAIRCHILD,
LOUIS RANGO, JOHN MULDOON,
ANTHONY MARRA,**

Defendants.

**PLAINTIFF'S PROPOSED
VOIR DIRE QUESTIONS**

CV 06-5112 (ILG) (VVP)

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Propensity Toward Law Enforcement / City Of New York

- 1) Have you, a family member, or a friend ever been employed by (or applied for employment with) the New York City Police Department, the New York City Fire Department, the New York State Attorney's Office, the New York City Department of Corrections, the United States Attorney's Office, the FBI, and/or the Department of Homeland Security?
- 2) Have you, a family member, or a friend ever been employed by (or applied for employment with) the State of New York or the City of New York in any capacity?
- 3) Have you, a family member, or a friend ever been employed by *any* police department, or law enforcement agency, whether in the City of New York or anywhere else?
- 4) Regardless of the court's instructions, do you feel that you might tend to give more weight to the testimony of a witness who is a law enforcement officer as opposed to any other witness?
- 5) Is there any reason that you might feel uncomfortable or be reluctant to render a verdict against the City of New York and require it to pay a substantial damage award?

Damages Limitations / Tort-Reform

- 6) How many of you feel that you might have some difficulty, regardless of whether you felt the evidence warranted it, awarding tens of millions of dollars in damages because of moral, philosophical, religious and/or other beliefs?
- 7) How many of you are familiar with the phrase 'tort reform?' How many of you agree that tort reform is necessary? Please explain.

Prior Convictions / Lifestyle Issues

- 8) There will be evidence in this case that the plaintiff, Mr. Gibbs, had a dispute with his ex-girlfriend that involved the violation of a protective order against him within several years prior to the events at issue in this case. Do you feel that you might have a difficult time either finding in favor of Mr. Gibbs or that these issues might affect your decision in awarding him substantial monetary damages?¹
- 9) There will be evidence in this case that prior to the events at issue in this case the plaintiff, Mr. Gibbs, had a problem with cocaine. Do you feel that you might have a difficult time either finding in favor of Mr. Gibbs or awarding him substantial monetary damages because of these issues?²

Identification Of Attorneys

- 11) The following is a list of the attorneys who are or have been representing persons associated with this case. Do you know either professionally, socially or by reputation any of these attorneys or persons with whom they work?
- Barry Scheck
 - Peter Neufeld
 - Nick Brustin
 - Emma Freudenberger
 - Josh Dubin
 - Neufeld Scheck & Brustin, LLP
 - Arthur Larkin
 - Prathyusha (Prathi) Reddy
 - Do you know, either professionally, socially or by reputation any of the following witnesses (see witness list to be provided at time of trial)
- 12) Mr. Scheck is also the co-founder of the Innocence Project, an organization that works to exonerate those wrongly convicted for crimes they did not commit. Do you have any negative feelings about Mr. Scheck's involvement with the Innocence Project that would interfere with your ability to remain fair and impartial in this case?

¹ Plaintiff includes this question subject to the Court's rulings on motions *in limine*.

² Plaintiff includes this question subject to the Court's rulings on motions *in limine*.

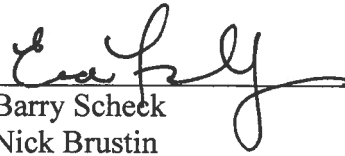
- 13) As you may know, Mr. Scheck and his partner Mr. Peter Neufeld, and well as their late partner, Mr. Johnnie Cochran, represented O.J. Simpson in a highly publicized trial approximately ten years ago. Do you have any negative feelings about their involvement with the O.J. Simpson case such that it would affect your ability to remain fair and impartial in this case?

Other Potential Areas Of Bias

- 14) How many of you have worked for either a municipal agency, charity, and/or any other business or entity that applied for city or government funding but was turned down?
- 15) How many of you have ever been responsible for training and/or supervisors others? Were you responsible for conducting performance reviews?
- 16) How many of you have ever been responsible for making budget decisions at work?
- 17) How many of you have ever been employed in the human resources division/department of a company? How many of you have otherwise been responsible for either hiring or firing others?
- 18) Have you had any education, training, or experience in the following areas?
- Accounting, auditing, or bookkeeping
 - Psychology, psychiatry, counseling, mental health, or social services
 - Law or paralegal training
 - Medicine or nursing
 - DNA testing
 - Religion or philosophy
 - Criminal justice or corrections (law enforcement)
 - Police interrogation or questioning techniques
 - Forensic sciences
 - Private investigations
 - Security/Security guard
 - Biology

Dated: May 24, 2010
New York, NY

By:

A handwritten signature in black ink, appearing to read 'Emma Freudenberger', is written over a horizontal line.

Barry Scheck

Nick Brustin

Emma Freudenberger (EF8803)

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